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SUBJECT: AUSTRIA OPPOSES LIBYAN UNAMID PROPOSAL; SEES NO
CONCESSIONS FROM SUDAN JUSTIFYING ARTICLE 16 ACTION

REF: STATE 77701

Econ/Pol Counselor and Poloff discussed reftel points July 28 with with Thomas Baier, MFA Legal Advisor on Multilateral International Law Issues, and Doris Danler, Deputy Head of the Africa Department. Danler said the GOA had opposed the language proposed, and then withdrawn, by Libya. Baier said the Austrians had been approached by the Sudanese and told that "without an unconditional agreement on Article 16, there was no chance to advance the peace process." However, Baier noted that although Sudan and the African Union were pressing for UN Security Council action, neither had offered any concessions in return for a deferment of the ICC indictment on Bashir. Since the UN Security Council had agreed to take up the ICC indictment, it would take a compelling reason to overturn it, Baier said.
HOH